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Counsel for Defendant SARVER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	No. CR 05-0673 JSW
Plaintiff,)	AMENDED
)	STIPULATION AND PROPOSED
v.)	ORDER ADVANCING SENTENCING
)	DATE
TODD BURTON SARVER,)	
)	
Defendant.)	
_____)	

Defendant Todd Sarver pleaded guilty pursuant to a plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C) on August 30, 2006. Sentencing was then set for January 11, 2007, to accommodate the trial schedule of undersigned counsel for Mr. Sarver. However, circumstances regarding the medical and psychiatric status of Mr. Sarver, as well as a delay in the other trial, have led the parties to stipulate and jointly request that the sentencing date be advanced to the soonest possible date.

Specifically, Mr. Sarver's condition has continued to deteriorate. In response, the medical staff at FDC Dublin has resumed treatment with Klonopin, even though that had been vigorously opposed just a few months ago. Nevertheless, on November 6, 2006, Mr. Sarver attempted suicide. It is the opinion of the U.S. Marshal that there are no local facilities available to them, including FDC Dublin, that can provide adequate care for Mr. Sarver at this time. However, the Bureau of Prisons

1 had indicated that it is not inclined to transfer Mr. Sarver until he is sentenced. Instead, advancing
2 the sentencing date would best accomplish the goal of achieving the best care for Mr. Sarver.

3 U.S. Probation Officer Lynn Richards consents to the advancing of the sentencing date in light
4 of the fact that the parties have agreed to waive the objection period to the Presentence Report. The
5 Court's courtroom deputy has indicated that the earliest dates that the Court might be available are
6 November 21, 22 or 29. Because both the probation officer and government counsel would have
7 difficulty attending a hearing on November 29, the parties jointly request and stipulate that the
8 hearing be set at the Court's convenience on November 21 or 22.

9 IT IS SO STIPULATED.

10 DATED: 11/08/06

11 /s/
DANIEL P. BLANK
Assistant Federal Public Defender

14 DATED: 11/08/06

15 /s/
ROBERT REES
Assistant United States Attorney

17 For GOOD CAUSE SHOWN, sentencing in the above-captioned matter shall be held on
18 November 22, 2006 at 1:30 p.m..

19 IT IS SO ORDERED.

21 DATED: November 9, 2006

22 /s/
JEFFREY S. WHITE
United States District Judge
23 by Honorable Phyllis J. Hamilton